

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUL 28 AM 11:02

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis GOMEZ-Gomez,

Defendant

Magistrate Docket No.

'08 MJ 2279

COMPLAINT FOR VIOLATION OF:


Title 8, U.S.C., Section 1326
Deported Alien Found in the
United StatesCLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **July 25, 2008** within the Southern District of California, defendant, **Luis GOMEZ-Gomez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF JULY, 2008.


 Jan M. Adler
 UNITED STATES MAGISTRATE JUDGE



• CONTINUATION OF COMPLAINT:
Luis GOMEZ-Gomez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On July 25, 2008 at approximately 7:45 a.m., Border Patrol Agent J. Burland was performing assigned duties in the Campo Border Patrol station area of operations. Agent Burland responded to a seismic intrusion device activation, via service radio. This device is located approximately 20 miles east of the Tecate, California Port of Entry and approximately one mile north of the United States/Mexico International Boundary. This area is commonly used by illegal aliens to further their entrance into the United States due to its close proximity to the border.

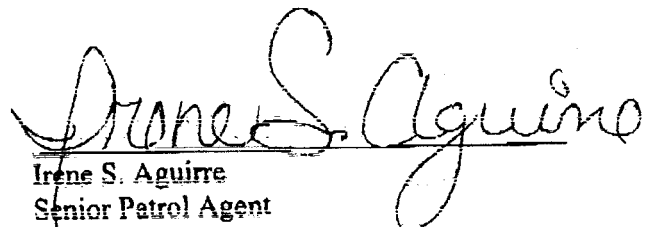
Upon arrival near the location of the device, Agent Burland conducted a search of the area. Agent Burland found a fresh group of footprints leading north of the United States/Mexico International boundary. Agent Burland followed the footprints and after a search of the area, at approximately 8:00 a.m., Agent Burland encountered ten individuals, attempting to conceal themselves in the thick brush.

Agent Burland approached the group of individuals and identified himself as a United States Border Patrol Agent and began to question each individual as to their immigration status. One of those ten individuals was later identified as the defendant, **Luis GOMEZ-Gomez**. Each of the other nine individuals admitted to being a citizen and national of Mexico illegally present in the United States without any immigration documents that would allow them to enter or remain legally. GOMEZ and the other nine individuals were arrested at approximately 8:05 a.m. and transported to the Pine Valley Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on July 15, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.

Executed on July 26, 2008 at 10:00 am. .


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on July 25, 2008, in violation of Title 8, United States Code, Section 1326.


Leo S. Papas
United States Magistrate Judge

7/26/08 - 1:32 pm
Date/Time